

FILED

AUG 30 1993

**HOWARD HANSON
MARIN COUNTY CLERK
BY D ROSS, DEPUTY**

RECEIVED

AUG 30 1993

HUB LAW OFFICES

1 Ford Greene
California State Bar No. 107601
2 HUB LAW OFFICES
711 Sir Francis Drake Boulevard
3 San Anselmo, California 94960-1949

4 Attorney for Defendant
GERALD ARMSTRONG
5

6
7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 FOR THE COUNTY OF MARIN
9

10 CHURCH OF SCIENTOLOGY INTERNATIONAL,)	No. 157 680
a California not-for-profit)	
11 religious corporation,)	ARMSTRONG'S EX PARTE
12)	APPLICATION FOR EXTENSION
Plaintiff,)	OF TIME TO RESPOND TO
13 vs.)	COMPLAINT AND FOR
14 GERALD ARMSTRONG; MICHAEL WALTON;)	EXTENSION OF TIME TO
THE GERALD ARMSTRONG CORPORATION,)	RESPOND TO DISCOVERY;
15 a California for-profit)	DECLARATION OF FORD
corporation; DOES 1 through 100,)	<u>GREENE; [Proposed] ORDER</u>
16 inclusive,)	
17 Defendants.)	Date: August 30, 1993
18)	Time: 1:30 P.M.
	Dept: One
	Trial Date: None Set

19 TO: CHURCH OF SCIENTOLOGY INTENTIONAL AND ITS ATTORNEYS OF
20 RECORD:

21 PLEASE TAKE NOTICE that on August 30, 1993, at 1:30 p.m., in
22 Department 1 of the above-entitled Court, located at the Hall of
23 Justice, Marin County Civic Center, San Rafael, California,
24 defendant Gerald Armstrong, by and through his attorney of record,
25 Ford Greene, will seek ex parte orders allowing him an extension
26 of thirty (30) days to respond to the complaint herein and to
27 respond to plaintiff's first request for production of documents.

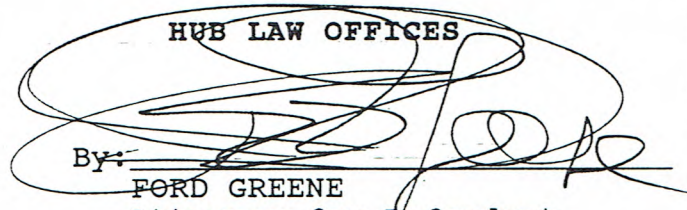
28 This ex parte application is based upon the ground that

COPY

1 defendant Armstrong obtained counsel in this matter on August 28,
2 1993, and on the ground that the instant lawsuit duplicates two
3 other currently existing lawsuits based upon the same subject
4 matter: to wit, alleged violations of a settlement contract. The
5 legal basis for the instant application includes, but is not
6 limited to California Rule of Court 379, Local Rule 2.10, and
7 C.C.P. section 2031 (h).

8 This ex parte application is based upon this notice, the
9 attached declaration of Ford Greene, the court's files and records
10 in this case and such other material as is presented in support of
11 the application.

12 DATED: August 30, 1993

HUB LAW OFFICES

By: _____
FORD GREENE
Attorney for Defendant
GERALD ARMSTRONG

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DECLARATION OF FORD GREENE

FORD GREENE declares:

1. I am an attorney licensed to practice law in the Courts of the State of California and am the attorney of record for GERALD ARMSTRONG, defendant herein.

2. On Saturday, August 28, 1993, Gerald Armstrong and I entered into an agreement whereby I will provide representation to him in the above matter.

3. I am informed and believe and allege thereon that Armstrong was personally served with a copy of the summons and complaint in this matter on July 30, 1993. Therefore, the date upon which Armstrong shall respond thereto is August 30, 1993.

4. The herein lawsuit is the third current and active lawsuit that plaintiff has brought and is litigating against Armstrong concerning his alleged breaches of the settlement contract that is attached as Exhibit A to Scientology's complaint.

a. Litigation of the original lawsuit, brought as Marin County Superior Court Case No. 152 229, transferred to Los Angeles Superior Court Case No. BC 052 395, is currently subject to a stay order while the legality of a preliminary injunction issued therein is litigated in the Second District Court of Appeal Case No. B 069 450.

b. Scientology has sued Armstrong in another action, Los Angeles Superior Court Case No. BC 084 642 filed July 1993, which is also predicated upon alleged allegations of the settlement contract.

5. Therefore, there are issues whether or not Scientology is improperly splitting a cause of action or otherwise engaging in

1 a multiplicity of duplicative litigation.

2 6. On August 9, 1993 Scientology served Armstrong with
3 Plaintiff's First Request for the Production of Documents by
4 Defendant Gerald Armstrong. I have reviewed said request and note
5 that most of the items designated therein relate to the lawsuits
6 referenced in Paragraphs 4(a) and 4(b), above, rather than to the
7 subject matter of the instant lawsuit. The date for response to
8 the request for production is Friday, September 3, 1993.

9 7. I am not prepared to respond to the complaint and
10 request an extension of time of thirty (30) days to so respond.
11 Additionally, due to the duplicative nature of this litigation I
12 will need to file a motion for a protective order regarding the
13 pending request for production. Therefore, I hereby request an
14 extension of time of thirty (30) days to respond to the request
15 for production as well.

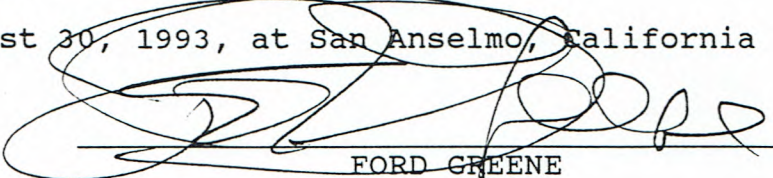
16 8. I have given notice of the present application for ex
17 parte orders to counsel for plaintiff in the following manner:

18 a. By letter telecopied on August 30, 1993 at 9:10
19 a.m.

20 9. I received the following response to said notice: None.

21 Under penalty of perjury pursuant to the laws of the State of
22 California I hereby declare that the foregoing is true and correct
23 according to my first-hand knowledge, except those matters stated
24 to be on information and belief, and as to those matters, I
25 believe them to be true.

26 Executed on August 30, 1993, at San Anselmo, California

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FORD GREENE

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ORDER

GOOD CAUSE appearing therefor, it is hereby ORDERED that Defendant Gerald Armstrong shall have through and including September 29, 1993 to answer or otherwise respond to the complaint herein.

GOOD CAUSE appearing therefor, it is FURTHER ORDERED that Defendant Gerald Armstrong shall have through and including September 29, 1993, to respond to plaintiff's first request for the production of documents.

DATED: AUG 30 1993

GERALD E. RAGAN

Judge of the Superior Court

FORD GREENE
LAWYER

HUB LAW OFFICES
711 SIR FRANCIS DRAKE BOULEVARD
SAN ANSELMO, CALIFORNIA 94960-1949
(415) 258-0360

LICENSE No. 107601
FACSIMILE (415) 456-5318

August 30, 1993

Andrew H. Wilson
WILSON, RYAN & CAMPILONGO
235 Montgomery Street, Suite 450
San Francisco, California 94104

By Telecopier
415-954-0938

RE: *Scientology v. Armstrong*
Marin County Superior Court
Case No. 157 680

Dear Mr. Wilson:

Please be advised that I am going to represent Mr. Armstrong in Scientology's fourth lawsuit against him.

It is my intention to seek the following ex parte orders:

1. To extend the time to plead 30 days; and
2. To ~~obtain~~ extending the time to respond to the request for production for 30 days.

I will make the application today at 1:30 PM in Department 1.

Sincerely,



FORD GREENE

:acg
cc: Laurie J. Bartilson

FORD GREENE
LAWYER

HUB LAW OFFICES
711 SIR FRANCIS DRAKE BOULEVARD
SAN ANSELMO, CALIFORNIA 94960-1949
(415) 258-0360

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DATE: August 30, 1993
TO: ANDREW H. WILSON, ESQUIRE
TELEPHONE: (415) 391-3900
FAX TELEPHONE: (415) 954-0938
FROM: FORD GREENE
TELEPHONE: (415) 258-0360
FAX TELEPHONE: (415) 456-5318

DOCUMENT INFORMATION

This Fax Communication consists of this cover sheet plus one pages comprising the accompanying document.

Letter re ex parte application in Dept One in Armstrong IV

INSTRUCTIONS

CONFIRM RECEIPT OF THIS FAX BY TELEPHONE

HARD COPY TO FOLLOW BY MAIL

IF ALL PAGES ARE NOT RECEIVED OR ARE NOT LEGIBLE, PLEASE TELEPHONE AND NOTIFY SENDER IMMEDIATELY.

OTHER:

1 PROOF OF SERVICE

2 I am employed in the County of Marin, State of California. I
3 am over the age of eighteen years and am not a party to the above
4 entitled action. My business address is 711 Sir Francis Drake
5 Boulevard, San Anselmo, California. I served the following

6 documents: **ARMSTRONG'S EX PARTE APPLICATION FOR AN EXTENSION OF**
7 **TIME TO RESPOND TO COMPLAINT AND TO RESPOND TO**
8 **DISCOVERY; DECLARATION OF FORD GREENE; [Proposed]**
9 **ORDER**

10 on the following person(s) on the date set forth below, by placing
11 a true copy thereof enclosed in a sealed envelope with postage
12 thereon fully prepaid to be placed in the United States Mail at
13 San Anselmo, California:

14 Andrew H. Wilson
15 WILSON, RYAN & CAMPILONGO
16 235 Montgomery Street, Suite 450
17 San Francisco, California 94104

- 18 (By Mail) I caused such envelope with postage thereon
19 fully prepaid to be placed in the United
20 States Mail at San Anselmo, California.
- 21 (Personal Service) I caused such envelope to be delivered by hand
22 to the offices of the addressee.
- 23 (State) I declare under penalty of perjury under the
24 laws of the State of California that the above
25 is true and correct.
- 26 (Federal) I declare that I am employed in the office of
27 a member of the bar of this court at whose
28 direction the service was made.

DATED: August 30, 1993